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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

HARLEY D. HOERLER, JACQUIE M.  
HOERLER,

Plaintiffs,

v.

EXPERIAN INFORMATION  
SOLUTIONS, INC., EQUIFAX  
INFORMATION SERVICES, LLC.,  
TRANS UNION, LLC., DISCOVER  
FINANCIAL SERVICES, INC.,  
CAPITAL ONE BANK, WELLS  
FARGO FINANCIAL, BANK OF  
AMERICA,

Defendants.

Case No. **CV '08 - 0391 - KI**

COMPLAINT FOR VIOLATIONS OF  
FAIR CREDIT REPORTING ACT (15  
U.S.C. § 1681)

DEMAND FOR JURY TRIAL

Plaintiff alleges that at all time material:

20445

## JURISDICTION

1. This court has jurisdiction pursuant to 15 U.S.C. § 1681p.

## PARTIES

2. Plaintiffs, Harley D. Hoerler and Jacquie M. Hoerler are natural persons who reside in the City of Hillsboro, State of Oregon, and are “consumers” as that term is defined by 15 U.S.C. § 1681a(c).

3. Defendants Experian Information Solutions (“Experian”), Equifax Information Services, LLC (“Equifax”), and Transunion, LLC (“Transunion”) are consumer reporting agencies as defined by 15 U.S.C. § 1681a(f).

4. Defendants Capital One Bank (“Capital One”), Discover Financial Services, Inc. (“Discover”), Wells Fargo Financial (“Wells Fargo”) and Bank of America are furnishers of credit information.

## FACTUAL ALLEGATIONS

5. In 2006 and 2007, Experian, Equifax, and Transunion reported false and derogatory information regarding plaintiffs in their credit reports. Plaintiffs disputed the accuracy of the false and derogatory information in their credit reports. Equifax, Experian, and Transunion continued to report false information regarding plaintiffs.

6. In 2006 and 2007, Capital One Bank (“Capital One”), Discover Financial Services, Inc. (“Discover”), Wells Fargo Financial (“Wells Fargo”) and Bank of America reported false information regarding plaintiffs to one or more national credit reporting agencies. In 2006 and 2007, Plaintiffs wrote to Equifax, Experian, and Transunion, to dispute false information on their credit reports. Upon information and belief, Equifax, Experian, and Transunion communicated Plaintiffs’

disputes to Capital One, Discover, Wells Fargo and Bank of America. Capital One, Discover, Wells Fargo and Bank of America failed to conduct a reasonable reinvestigation of the disputed account information, resulting in the false and derogatory information continuing to be reported in Plaintiffs' credit reports.

#### TRIAL BY JURY

7. Plaintiffs are entitled to and hereby respectfully demand a trial by jury. US Const. amend. 7. Fed. R. Civ. Pro. 38.

#### FIRST CLAIM FOR RELIEF

15 U.S.C. § 1681n

(Experian, Equifax, Transunion)

8. Plaintiffs incorporate by reference all of the above paragraphs of this Complaint as though fully stated herein.

9. Experian, Equifax, and Transunion willfully failed to comply with the requirements imposed under the FCRA, including but not limited to:

- a) failing to follow reasonable procedures to assure maximum possible accuracy of the information in consumer reports, as required by 15 U.S.C. § 1681e(b); and,
- b) failing to comply with the reinvestigation requirements in 15 U.S.C. § 1681i.

10. As a result of Experian, Equifax, and Transunion's violations of the FCRA, plaintiffs have suffered and continue to suffer damages, including denials of credit, lost opportunity to receive credit, damage to reputation, worry, distress, frustration, embarrassment, invasion of privacy, and humiliation, and other damages in an amount to be determined by the jury in addition to statutory

damages in an amount to be determined by the Court.

11. Plaintiffs are entitled to punitive damages in an amount to be determined by the jury.

## SECOND CLAIM FOR RELIEF

15 U.S.C. § 1681o

12. Plaintiffs incorporate by reference all of the above paragraphs of this Complaint as though fully stated herein.

13. Experian, Equifax, and Transunion negligently failed to comply with the requirements imposed under the FCRA, including but not limited to:

a) failing to follow reasonable procedures to assure maximum possible accuracy of the information in consumer reports, as required by 15 U.S.C. § 1681e; and,

b) failing to comply with the reinvestigation requirements in 15 U.S.C. § 1681i

14. As a result of Experian, Equifax, and Transunion's violations of the FCRA, plaintiffs have suffered and continue to suffer damages, including denials of credit, lost opportunity to receive credit, damage to reputation, worry, distress, frustration, embarrassment, invasion of privacy, and humiliation, in an amount to be determined by the jury.

15. Plaintiffs are entitled to attorney fees, pursuant to 15 U.S.C. § 1681o(a).

## THIRD CLAIM FOR RELIEF

15 U.S.C. § 1681n

(Discover, Capital One, Wells Fargo and Bank of America)

16. Plaintiffs incorporate by reference all of the above paragraphs of this Complaint as

though fully stated herein.

17. Discover, Capital One, Wells Fargo and Bank of America willfully failed to comply with the requirements of 15 U.S.C. § 1681s-2(b).

18. As a result of Discover, Capital One, Wells Fargo and Bank of America's violations of the FCRA, plaintiffs have suffered damages, including denials of credit, lost opportunity to receive credit, damage to reputation, worry, distress, frustration, embarrassment, invasion of privacy, and humiliation, and other damages in an amount to be determined by the jury in addition to statutory damages in an amount to be determined by the Court.

19. Plaintiffs are entitled to attorney fees, pursuant to 15 U.S.C. § 1681n(a).

20. Plaintiffs are entitled to punitive damages in an amount to be determined by the jury.

#### FOURTH CLAIM FOR RELIEF

15 U.S.C. § 1681o

(Discover, Capital One, Wells Fargo and Bank of America)

21. Plaintiffs incorporate by reference all of the above paragraphs of this Complaint as though fully stated herein.

22. Discover, Capital One, Wells Fargo and Bank of America negligently failed to comply with the requirements of 15 U.S.C. 1681s-2(b).

23. As a result of Discover, Capital One, Wells Fargo and Bank of America's violations of the FCRA, plaintiffs have suffered and continue to suffer damages, including denial of credit, lost opportunity to receive credit, damage to reputation, worry, fear, distress, frustration, embarrassment, and humiliation, all to their damages in an amount to be determined by the jury

in addition to statutory damages in an amount to be determined by the Court.

24. Plaintiffs are entitled to attorney fees, pursuant to 15 U.S.C. § 1681o(a)

#### PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that judgment be entered against defendants for:

#### VIOLATIONS OF FAIR CREDIT REPORTING ACT

#### 15 U.S.C. § 1681

1. On Plaintiffs' First Claim for Relief for willful violation of the FCRA against Experian, Equifax, and Transunion:

- a. Actual damages in an amount to be determined by the jury;
- b. Punitive damages in an amount to be determined by the jury; and,
- c. Attorney fees and costs.

2. On Plaintiffs' Second Claim for Relief for negligent violations of the FCRA against Experian, Equifax, and Transunion:

- a. Actual damages in an amount to be determined by the jury; and,
- b. Attorney fees and costs.

3. On Plaintiffs' Third Claim for Relief for willful violations of the FCRA against Discover, Capital One, Wells Fargo and Bank of America.

- a) Actual damages in an amount to be determined by the jury;
- b) Punitive damages in an amount to be determined by the jury; and,
- c) Attorney fees and costs.

4. On Plaintiffs' Fourth Claim for Relief for negligent violations of the FCRA against

Discover, Capital One, Wells Fargo and Bank of America.

- a) Actual damages in an amount to be determined by the jury; and,
- b) Attorney fees and costs.

DATED: March 17, 2008



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